

### **REMARKS**

This responds to the Final Office Action mailed on September 22, 2009.

No claims are amended, claims 1-24 are canceled, and claims 25-47 are added; as a result, claims 25-47 are now pending in this application. Applicant respectfully submits that the newly-added claims 25-47 are supported by various portions of the Application as originally filed and that no new matter has been introduced. Accordingly, Applicant respectfully requests consideration and allowance of newly-added claims 25-47.

Additionally, Applicants respectfully submit that the new claims are patentably distinct over the references currently cited as a basis of rejection. Accordingly, Applicants respectfully requests that the Examiner consider and allow the newly added claims.

### **Formal Request for Telephonic Interview**

If the present claims are not in condition for allowance, then Applicant kindly hereby formally requests a telephonic interview with the Examiner and Applicant's representative, Suncel Arora, to help expedite examination.

### **Double Patenting Rejection**

Claims 1, 2, and 6-24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,687,539 (Attorney Docket No. 279.214US2) in view of Haefner or Markowitz.

Claims 1, 2, and 6-24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,304,778 (Attorney Docket No. 279.214US1) in view of Haefner or Markowitz.

In view of the cancellation of claims 1-24, Applicant respectfully submits that these grounds for rejection are moot. In the event that newly-added claims 25-47 are rejected on similar grounds, Applicant will consider the issue of a terminal disclaimer if claims 25-47 are otherwise indicated as allowable. Accordingly, Applicant respectfully requests consideration and allowance of newly-added claims 25-47.

§ 103 Rejection of the Claims

Claims 1, 2, 8, 11-15, 17-19, and 22-24 are rejected under 35 U.S.C. 103(a) over Struble et al. (U.S. 6,122,545; hereinafter “Struble”) in view of either Haefner et al. (U.S. 6,169,918; hereinafter “Haefner”) or Markowitz (U.S. 4,343,311).

Claims 6, 7, 10, 16, 20, and 21 are rejected under 35 U.S.C. 103(a) over Struble in view of either Haefner or Markowitz, and further in view of Wickham (U.S. 5,891,171).

Claim 9 is rejected under 35 U.S.C. 103(a) over Struble in view of either Haefner or Markowitz, and further in view of Van Lake (U.S. 5,653,737).

Claims 1, 2, 8, 11-15, 17-19, and 22-24 are rejected under 35 U.S.C. 103(a) over Markowitz in view of Routh et al. (U.S. 5,735,881; hereinafter “Routh”).

Claims 6, 7, 10, 16, 20, and 21 are rejected under 35 U.S.C. 103(a) over Markowitz in view of Routh, and further in view of Wickham.

Claim 9 is rejected under 35 U.S.C. 103(a) over Markowitz in view of Routh, and further in view of Van Lake.

In view of the cancellation of claims 1-24, Applicant respectfully submits that these grounds for rejection are moot. Accordingly, Applicant respectfully requests consideration and allowance of newly-added claims 25-47.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official

Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request joinder of any withdrawn claim, as required by MPEP § 821.04.

### **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402-0938  
(612) 371-2132

Date November 13, 2009

By   
Suneel Arora  
Reg. No. 42,267

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of November, 2009.

Kate Gannon

/ Kate Gannon /

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature